

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,

Case No. 11-CR-0070 (PJS)

Plaintiff,

v.

ORDER

DAVID A. WRIGHT,

Defendant.

This matter is before the Court on the motion of David A. Wright for a hearing to clarify the balance of his restitution judgment. On April 17, 2012, the Court sentenced Wright to pay \$50,385 in restitution to the Internal Revenue Service (“IRS”). The writ of garnishment filed with the Court on December 4, 2012 states that, as of October 2, 2012, Wright still owed a balance of \$36,570.66 on that judgment. ECF No. 29. Wright argues in his motion that the writ of garnishment does not take account of payments he made to the IRS prior to his sentencing, and that his current balance should be \$10,570. ECF No. 27.

On December 6, 2012, the United States Attorney’s Office informed the Court that Wright has paid an additional \$26,109 to the IRS not accounted for in the writ of garnishment. ECF No. 30. Roman G. Hernandez, a Court Witness Coordinator with the IRS, also confirms in a declaration that \$26,109 should be applied to Wright’s restitution balance. ECF No. 30-1. The Clerk for the U.S. District Court of Minnesota has adjusted Wright’s restitution balance accordingly, and as of December 11, 2012, Wright’s restitution balance is \$10,402.17 — slightly less than the \$10,570 that Wright had asserted in his motion was the correct amount. Because the Government has confirmed Wright’s claim, and because his restitution balance has been

updated to take account of the adjustment he sought, a hearing on Wright's motion is not necessary.

ORDER

Based on the foregoing, and on all of the records, files, and proceedings herein, IT IS HEREBY ORDERED THAT defendant David A. Wright's motion for a hearing to clarify the balance of his restitution judgment [ECF No. 27] is DENIED AS MOOT.

Dated: December 12, 2012

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge